EDITOR'S NOTE

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85-2135 (1)

Supreme Court, U.S.
FILED
MAY 14 1986
JOSEPH F. SPANIOL, JR.
CLERK

No. _____

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1986

LAVOYD WAYNE "Bill" HARDIN

Petitioner.

v.

GILBERT & COLVIN

Respondent.

PETITION FOR WRIT OR CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Lavoyd Wayne "Bill" Hardin Pro-SE
Lavoyd Wayne "Bill" Hardin, pro se
Route 1, Box 127A
DeLeon, Texas 76444
Telephone: (817) 893-2686

QUESTIONS PRESENTED FOR REVIEW

1. Whether the Bankruptcy Court, The United States District Court, and the Fifth Circuit Court is guilty of a conspiracy to Defraud.

2. Whether the petitioner was denied due process of law under the United States Constitution, and the Texas Constitution.

3. Whether the petitioner was denied his homestead, and his business homestead rights under Articie 16, Section 50 and 51 of the Texas Constitution.

4. Whether J. A. Hardin is the only legal owner of this property.

5. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Court and the United States District Court denied petitioner and J. A. Hardin the right to have the assistance of counsel for their defense.

6. Whether the Fifth Circuit Court abused its discretion by not ruling the Trustee, the Bankruptcy Judge and the United States District Judge was compelled to accept full tender payment.

7. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Judge and the United States District Judge cannot take the State of Texas land as one of the petitioner's assets.

8. Whether the Fifth Circuit Court abused its discretion by not ruling the 220th District Judge Andrew Campbell was prejudice.

9. Whether the Fifth Circuit Court abused its discretion by not ruling the three Orders signed November 7, 1983 was a forgery.

10. Whether St. Clair Newbern, III owes petitioner Eighteen Hundred Dollars.

11. Whether the United States District Court abused its discretion by not going through proper Judicial procedure by holding petitioner and J. A. Hardin's trial on the same day that the bankruptcy court held the trial.

12. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Court errored in trying to break petitioner's contract with the Veterans' Land Board of the State of Texas.

13. Whether the Fifth Circuit Court abused its discretion by not ruling that the Bankruptcy Court and the United

States District Court errored in granting to petitioner's ex-wife, Joan M. Hardin Foster, too much damages in a Chapter 13 case and awarding too much money to Gilbert & Colvin for attorney's fees.

14. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Judge and the United States District Judge abused their discretion by not ruling that the deed from the Veterans' Land Board to J. A. Hardin was valid and the Bankruptcy Judge, Trustee, and the United States District Judge was compelled to accept full tender payment from petitioner and J. A. Hardin.

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In The
SUPREME COURT OF THE UNITED STATES
October Term, 1986

No._____

LAVOYD WAYNE "Bill" HARDIN,

Petitioner.

v.

GILBERT & COLVIN

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

The petitioner, Lavoyd Wayne "Bill" Hardin, respectfully prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit entered on February 24th, 1986 and March 17th, 1986.

OPINION BELOW

The Fifth Circuit Court of Appeals, Case No. 85-1686 and Case No. 85-1726 involve identical or closely related

questions that this petition covers the two cases (See Rule 19.4).

The Fifth Circuit Court of Appeals dismissed Case No. 85-1686, a copy is attached as Appendix A.

The Fifth Circuit Court of Appeals affirmed U. S. District Court in Case No. 85-1726, a copy is attached as Appendix B.

JURISDICTION

On February 24th, 1986, a panel of three Judges of the Fifth Circuit Court of Appeals dismissed Case No. 85-1686 (See Appendix A.).

On March 17th, 1986, a panel of three Judges of the Fifth Circuit Court of Appeals in Case No. 85-1726, affirmed U. S. District Court's Judgment. (See Appendix B.)

The Jurisdiction of this court is invoked under the provisions of the 5th, 6th and 14th Amendments of the United States Constitution and Article 1, Section 19, Article 5, Section 11, Article 16, Section 49-50 and 51 of the Texas Constitution and Article 3996, Vernon's Annotated Civil Statutes in Texas Law.

CONSTITUTIONAL PROVISION INVOLVED

The United States Constitution Amendments 5, 6 and 14th.

Texas Constitution: Article 1, Section 19; Article 5, Section 11; Article 16, Section 49-50 and 51.

The 5th and 14th Amendments: Nor shall any person . . . be deprived of life, liberty, or property, without due process of law. . . . The 6th Amendment is everyone has the right to have the assistance of counsel for his defense. Article 1, Section 19: Nor shall any person . . . be deprived of life, liberty, or property, without due course of law . . .

Article 5, Section 11: Disqualification of Judges; No Judge shall sit in any case when he shall have been counsel in the case.

Article 16, Section 49: Exemptions From Forced Sales– The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

Article 16, Section 50: No mortgage, trust deed, or other lien on the homestead shall ever be valid.

Article 16, Section 51: Homestead Defined.–provided,

that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the homestead claimant, whether a single adult person, or the head of a family, provided also, that any temporary renting of the homestead shall not change the character of the same.

STATEMENT OF THE CASE

On February 24th, 1986 and March 17th, 1986, a panel of the Fifth Circuit Court of Appeals dismissed and affirmed Case No. 85-1686 and Case No. 85-1726 without taking in consideration the 220th District Court Judge Andrew Campbell of Comanche, Texas was prejudice toward petitioner for firing him as counselor earlier. The Fifth Circuit Court of Appeals did not take into consideration that the Court of Civil Appeals for the Eleventh Supreme Judicial District of Texas at Eastland, Texas, ruled that Judge Andrew Campbell abused his discretion by denying petitioner's constitutional right by hearing this case and denying petitioner's right to call witnesses in petitioner's behalf. (584 South Western Reporter, 2d Series, 384) The Fifth Circuit Court did not rule that the Texas Supreme Court could not hear this case until petitioner had his new trial that the Court of Civil Appeals for the Eleventh Supreme Judicial District of Texas

ruled that petitioner had a constitutional right to a new trial. The Fifth Circuit Court abused its discretion by not ruling that the Bankruptcy Court and the United States District Court had no jurisdiction over the Veterans Land Board and the State of Texas property. The Fifth Circuit Court abused its discretion by not ruling that the United States District Judge, Eldon B. Mahon abused his discretion by forcing J. A. Hardin under duress and undue influence to sign over his deed and grant from the Veterans' Land Board and the State of Texas and taking away all of petitioner's assets. The Fifth Circuit Court abused its discretion by not ruling that Gilbert and Colvin is part of the conspiracy to deprive petitioner of all his assets. The Fifth Circuit Court abused its discretion by not ruling that the Trustee, the Bankruptcy Judge and the United States District Judge was compelled to accept full tender payment from petitioner and J. A. Hardin.

REASON FOR GRANTING THE WRIT

When petitioner is denied his constitutional right of due process of law under both the United States Constitution and the Texas Constitution

Petitioner has been the Victim in the past ten years by numerous Judicial errors and has been victimized in the States and Federal Courts. The Supreme Court, in the Clarence Gideon, held unanimously that he had the right to counsel.

The Supreme Court ruled in the Scottsbore case that counsel must be supplied if the results could be a prison sentence whatever the label attached to the misconduct, (also see the Case of Argisinger v. Hamlin).

CONCLUSION

For the foregoing reasons, petitioner, Lavoyd Wayne "Bill" Hardin, respectfully requests that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit.

Respectfully Submitted,

Lavoyd Wayne "Bill" Hardin

Lavoyd Wayne "Bill" Hardin
Rt. 1, Box 127A
DeLeon, Texas 76444
Telephone: (817) 893-2686

Dated: 12th May, 1986.

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1986

No. _____

LAVOYD WAYNE "Bill" HARDIN

Petitioner.

v.

GILBERT & COLVIN

Respondent.

PROOF OF SERVICE

State of Texas }
}
County of Comanche }

I, Lavoyd Wayne "Bill" Hardin, after being duly sworn, deposes and says that pursuant to Rule 28.3 of this court, he served the within petition For Writ of Certiorari To The Court of Appeals For The Fifth Circuit or Counsel for the Respondent and all interested parties named in this petition below by enclosing a copy thereof in an envelope, first class postage prepaid, mailed at DeLeon, Texas, addressed to:

Gilbert and Colvin, 1035 InterFirst Tower,

Fort Worth, Texas 76102

Clifford F. McMaster, 307 Capital National Bank Building, Fort Worth, Texas 76102

J. A. Hardin, Route One, Fayetteville, Tennessee 37334

Ben Sudderth and Keith Woodley of Sudderth, Woodley and Dudley, 109 West Grand, Comanche, Texas 76442

St. Clair Newbern, III, 1116 River Plaza Tower, 1701 River Run Road, Fort Worth, Texas 76107

Joan M. Hardin Foster, 904 Burleson Street, DeLeon, Texas 76444

Roy Hufstutler, 1001 North Houston Street, Comanche, Texas 76442

James Robert Arthur, W. Highland, Comanche, Texas 76442.

Signed this 12th day of May, 1986.

Lavoyd W. Bill Hardin

Lavoyd W. Bill Hardin
Route 1, Box 127A
DeLeon, Texas 76444
Phone No. (817) 893-2686

Subscribed and Sworn to Before Me, this 12th day of May, 1986.

Delton Cogburn (DELTON COGBURN)

Notary Public In and For
Comanche County, State of Texas

2.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 85-1686

Summary Calendar

AVOYD WAYNE HARDIN, a/k/a
ILL HARIN, Debtor

AVOYD WAYNE HARDIN, a/k/a
ILL HARDIN,

Plaintiff-Appellant,

versus

ILVERT & COLVIN,

Defendant-Appellee.

Appeal from the United States District Court for the
Northern District of Texas

(February 24, 1986)

fore REAVLEY, HIGGINBOTHAM, and HILL, Circuit Judges.

R CURIAM:*

Local Rule 47.5 provides: "The publication of opinions that
ve no precedential value and merely decide particular cases on
e basis of well-settled principles of law imposes needless
pense on the public and burdens on the legal profession."
rsuant to that Rule, the court has determined that this opinion
ould not be published.

RMH 2-17-86 PSH 2-18-86 JMR 2-21-86

APPENDIX A1

This is the sixth time that appellant, Lavoyd Wayne "Bill" Hardin, has perfected an appeal in a matter relating to his bankrupt estate. See Hardin v. Hardin, No. 84-1250 (5th Cir. May 24, 1984) (dismissed for failure to file briefs); Hardin v. Hardin, No. 84-1037 (5th Cir. Aug. 22, 1984)(per curiam); Hardin v. McMaster, No. 84-1396 (5th Cir. Sept. 26, 1984)(per curiam); Hardin v. McMaster, No. 84-1614 (5th Cir. Dec. 20, 1984)(per curiam); Hardin v. Arthur, No. 84-1615 (5th Cir. Dec. 20, 1984)(per curiam). In the instant appeal Hardin appeals from an order by the bankruptcy court granting an interim award to the Trustee for attorney's fees, commission and expenses. Hardin's challenge to this award is based on allegations that the trustee, his attorneys, and other have deprived him of "his constitutional right, his life's sweat and labor and every asset that he has accumulated." This court in prior holdings has determined that these allegations are without legal merit. Finding Hardin's claim to have no conceivable foundation in fact or law we dismiss the appeal. See Windsor v. Pan American Airways, 744 F.2d 1187 (5th Cir. 1984).

Appeal DISMISSED.

APPENDIX A-2

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 85-1726
Summary Calendar

LAVOYD WAYNE HARDIN,
a/k/a/ BILL HARDIN,

Plaintiff-Appellant,

versus

GILBERT & COLVIN,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas

(March 17, 1986)

fore RUBIN, JOHNSON, and JONES, Circuit Judges.

R CURIAM:

The judgment of the district court is AFFIRMED. See Local
e 47.6. Appellant has previously submitted numerous frivolous
eals to this Court. While this Court will not exercise its
cretion to impose sanctions on this appeal, further abuse of
appellate process will not be tolerated. Therefore,
ellee's motion for sanctions is DENIED. See Fed. R. App. P.

APPENDIX B

(B1)

U.S. COURT OF APPEALS
FILED
MAR 5 1986
GILBERT F. GANUCHEAU

In The United States Court of Appeals

For The Fifth Circuit

U.S. COURT OF APPEALS
RECEIVED
MAR 5 1986
NEW ORLEANS, LA.

No. 85 - 1686

Lavoyd Wayne "Bill" Hardin,

plaintiff - Appellant,

Versus

Gilbert & Colvin,

Defendant - Appellee

Notice of Appeal

I, Lavoyd Wayne "Bill" Hardin, pro-se, appeal Case No. 85 - 1686, to the Supreme Court of the United States of America in Washington, D. C.

Signed this 3rd day of March, 1986.

Lavoyd Wayne "Bill" Hardin

Lavoyd Wayne "Bill" Hardin
Route 1, Box 127A
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Phone No. (817) 893-2686

(B2)

FILED

MAR 27 1986

GILBERT F. GANUCHEAU
CLERK

U.S. COURT OF APPEALS
RECEIVED
MAR 27 1986
NEW ORLEANS, LA.

In The United States Court of Appeals
For The Fifth Circuit

No. 85-1726

Lavoyd Wayne "Bill" Hardin,

plaintiff-Appellant,

Versus

Gilbert & Colvin,

Defendant-Appellee

Notice of Appeal

I, Lavoyd Wayne "Bill" Hardin, pro-se, appeal Case No. 85-1726, to the Supreme Court of the United States of America in Washington, D. C.

Signed this 24th day of March, 1986.

Lavoyd Wayne "Bill" Hardin

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(B31